

CONSOLIDATED INDEX FOR PARTS 600-667, 671 & 652 OF WIA RULES

PART 660--INTRODUCTION TO THE REGULATIONS FOR WORKFORCE INVESTMENT SYSTEMS UNDER TITLE I OF THE WORKFORCE INVESTMENT ACT

Sec.

660.100 What is the purpose of title I of the Workforce Investment Act of 1998? (Page 1)

660.200 What do the regulations for workforce investment systems under title I of the Workforce Investment Act cover? (1)

660.300 What definitions apply to the regulations for workforce investment systems under title I of WIA? (1)

PART 661--STATEWIDE AND LOCAL GOVERNANCE OF THE WORKFORCE INVESTMENT SYSTEM UNDER TITLE I OF THE WORKFORCE INVESTMENT ACT

Subpart A --General Governance Provisions

661.100 What is the workforce investment system? (4)

661.110 What is the role of the Department of Labor as the Federal governmental partner in the governance of the workforce investment system? (4)

661.120 What are the roles of the local and State governmental partner in the governance of the workforce investment system? (5)

Subpart B--State Governance Provisions

661.200 What is the State Workforce Investment Board? (5)

661.203 What is meant by the terms "optimum policy making authority" and "expertise relating to [a] program, service or activity"? (6)

661.205 What is the role of the State Board? (6)

661.207 How does the State Board meet its requirement to conduct business in an open manner under the "sunshine provision" of WIA section 111(g)? (6)

661.210 Under what circumstances may the Governor select an alternative entity in place of the State Workforce Investment Board? (6)

661.220 What are the requirements for the submission of the State Workforce Investment Plan? (7)

661.230 What are the requirements for modification of the State Workforce Investment Plan? (8)

661.240 How do the unified planning requirements apply to the five-year strategic WIA and Wagner-Peyser plan and to other Department of Labor plans? (8)

661.250 What are the requirements for designation of local workforce investment areas? (9)

661.260 What are the requirements for automatic designation of workforce investment areas relating to units of local government with a population of 500,000 or more? (9)

661.270 What are the requirements for temporary and subsequent designation of workforce investment areas relating to areas that had been designated as service delivery areas under JTPA? (9)

661.280 What right does an entity have to appeal the Governor's decision rejecting a request for designation as a workforce investment area? (9)

661.290 Under what circumstances may States require Local Boards to take part in regional planning activities? (10)

Subpart C--Local Governance Provisions

661.300 What is the Local Workforce Investment Board? (10)

661.305 What is the role of the Local Workforce Investment Board? (10)

- 661.307** How does the Local Board meet its requirement to conduct business in an open manner under the ``sunshine provision" of WIA section 117(e)? (11)
- 661.310** Under what conditions may a Local Board directly be a provider of core services, intensive services, or training services, or act as a One-Stop Operator? (11)
- 661.315** Who are the required members of the Local Workforce Investment Boards? (12)
- 661.317** Who may be selected to represent a particular One-Stop partner program on the Local Board when there is more than one partner program entity in the local area? (12)
- 661.320** Who must chair a Local Board? (12)
- 661.325** What criteria will be used to establish the membership of the Local Board? (12)
- 661.330** Under what circumstances may the State use an alternative entity as the Local Workforce Investment Board? (12)
- 661.335** What is a youth council, and what is its relationship to the Local Board? (13)
- 661.340** What are the responsibilities of the youth council? (14)
- 661.345** What are the requirements for the submission of the local workforce investment plan?
- 661.350** What are the contents of the local workforce investment plan? (14)
- 661.355** When must a local plan be modified? (15)

Subpart D--Waivers and Work-Flex

- 661.400** What is the purpose of the General Statutory and Regulatory Waiver Authority provided at section 189(i)(4) of the Workforce Investment Act? (15)
- 661.410** What provisions of WIA and the Wagner-Peyser Act may be waived, and what provisions may not be waived? (16)
- 661.420** Under what conditions may a Governor request, and the Secretary approve, a general waiver of statutory or regulatory requirements under WIA section 189(i)(4)? (16)
- 661.430** Under what conditions may the Governor submit a Workforce Flexibility Plan? (17)
- 661.440** What limitations apply to the State's Workforce Flexibility Plan authority under WIA? (18)

PART 662--DESCRIPTION OF THE ONE-STOP SYSTEM UNDER TITLE I OF THE WORKFORCE INVESTMENT ACT

Subpart A--General Description of the One-Stop Delivery System

- 662.100** What is the One-Stop delivery system? (19)

Subpart B--One-Stop Partners and the Responsibilities of Partners

- 662.200** Who are the required One-Stop partners? (19)
- 662.210** What other entities may serve as One-Stop partners? (20)
- 662.220** What entity serves as the One-Stop partner for a particular program in the local area? (20)
- 662.230** What are the responsibilities of the required One-Stop partners? (21)
- 662.240** What are a program's applicable core services? (21)
- 662.250** Where and to what extent must required One-Stop partners make core services available? (22)
- 662.260** What services, in addition to the applicable core services, are to be provided by One-Stop partners through the One-Stop delivery system? (22)
- 662.270** How are the costs of providing services through the One-Stop delivery system and the operating costs of the system to be funded? (23)
- 662.280** Does title I require One-Stop partners to use their funds for individuals who are not eligible for the partner's program or for services that are not authorized under the partner's program? (23)

Subpart C--Memorandum of Understanding for the One-Stop Delivery System

- 662.300** What is the Memorandum of Understanding (MOU)? (23)
- 662.310** Is there a single MOU for the local area or are there to be separate MOU's between the Local Board and each partner? (23)

Subpart D--One-Stop Operators

- 662.400** Who is the One-Stop operator? (24)
- 662.410** How is the One-Stop operator selected? (24)
- 662.420** Under what conditions may the Local Board be designated or certified as the One-Stop operator? (24)
- 662.430** Under what conditions may One-Stop operators designated to operate in a One-Stop delivery system established prior to the enactment of WIA be designated to continue to act as a One-Stop operator under WIA without meeting the requirements of Sec. 662.410(b)? (24)

PART 663--ADULT AND DISLOCATED WORKER ACTIVITIES UNDER TITLE I OF THE WORKFORCE INVESTMENT ACT

Subpart A-- Delivery of Adult and Dislocated Worker Services through the One-Stop Delivery System

- 663.100** What is the role of the adult and dislocated worker programs in the One-Stop delivery system? (27)
- 663.105** When must adults and dislocated workers be registered? (27)
- 663.110** What are the eligibility criteria for core services for adults in the adult and dislocated worker programs? (28)
- 663.115** What are the eligibility criteria for core services for dislocated workers in the adult and dislocated worker programs? (28)
- 663.120** Are displaced homemakers eligible for dislocated worker activities under WIA? (28)
- 663.145** What services are WIA title I adult and dislocated workers formula funds used to provide? (28)
- 663.150** What core services must be provided to adults and dislocated workers? (29)
- 663.155** How are core services delivered? (29)
- 663.160** Are there particular core services an individual must receive before receiving intensive services under WIA section 134(d)(3)? (29)
- 663.165** How long must an individual be in core services in order to be eligible for intensive services? (29)

Subpart B--Intensive Services

- 663.200** What are intensive services for adults and dislocated workers? (29)
- 663.210** How are intensive services delivered? (29)
- 663.220** Who may receive intensive services? (30)
- 663.230** What criteria must be used to determine whether an employed worker needs intensive services to obtain or retain employment leading to "self-sufficiency"? (30)
- 663.240** Are there particular intensive services an individual must receive before receiving training services under WIA section 134(d)(4)(A)(i)? (30)
- 663.245** What is the individual employment plan? (30)
- 663.250** How long must an individual participant be in intensive services to be eligible for training services? (30)

Subpart C--Training Services

- 663.300** What are training services for adults and dislocated workers? (30)
- 663.310** Who may receive training services? (31)
- 663.320** What are the requirements for coordination of WIA training funds and other grant assistance? (31)

Subpart D--Individual Training Accounts

- 663.400** How are training services provided? (31)
- 663.410** What is an Individual Training Account (ITA)? (31)
- 663.420** Can the duration and amount of ITA's be limited? (32)
- 663.430** Under what circumstances may mechanisms other than ITA's be used to provide training services? (32)
- 663.440** What are the requirements for consumer choice? (32)

Subpart E--Eligible Training Providers

- 663.500** What is the purpose of this subpart? (33)
- 663.505** What are eligible providers of training services? (33)
- 663.508** What is a ``program of training services"? (33)
- 663.510** Who is responsible for managing the eligible provider process? (34)
- 663.515** What is the process for initial determination of provider eligibility? (34)
- 663.530** Is there a time limit on the period of initial eligibility for training providers? (35)
- 663.535** What is the process for determining the subsequent eligibility of a provider? (36)
- 663.540** What kind of performance and cost information is required for determinations of subsequent eligibility? (36)
- 663.550** How is eligible provider information developed and maintained? (37)
- 663.555** How is the State list disseminated? (37)
- 663.565** May an eligible training provider lose its eligibility? (37)
- 663.570** What is the consumer reports system? (38)
- 663.575** In what ways can a Local Board supplement the information available from the State list? (38)
- 663.585** May individuals choose training providers located outside of the local area? (38)
- 663.590** May a community-based organization (CBO) be included on an eligible provider list? (38)
- 663.595** What requirements apply to providers of OJT and customized training? (38)

Subpart F--Priority and Special Populations

- 663.600** What priority must be given to low-income adults and public assistance recipients served with adult funds under title I? (39)
- 663.610** Does the statutory priority for use of adult funds also apply to dislocated worker funds? (39)
- 663.620** How do the Welfare-to-Work program and the TANF program relate to the One-Stop delivery system? (39)
- 663.630** How does a displaced homemaker qualify for services under title I? (40)
- 663.640** May an individual with a disability whose family does not meet income eligibility criteria under the Act be eligible for priority as a low-income adult? (40)

Subpart G--On-the-Job Training (OJT) and Customized Training

- 663.700** What are the requirements for on-the-job training (OJT)? (40)
- 663.705** What are the requirements for OJT contracts for employed workers? (40)
- 663.710** What conditions govern OJT payments to employers? (40)
- 663.715** What is customized training? (41)
- 663.720** What are the requirements for customized training for employed workers? (41)

663.730 May funds provided to employers for OJT of customized training be used to assist, promote, or deter union organizing? (41)

Subpart H--Supportive Services

663.800 What are supportive services for adults and dislocated workers? (41)

663.805 When may supportive services be provided to participants? (41)

663.810 Are there limits on the amounts or duration of funds for supportive services? (42)

663.815 What are needs-related payments? (42)

663.820 What are the eligibility requirements for adults to receive needs-related payments? (42)

663.825 What are the eligibility requirements for dislocated workers to receive needs-related payments? (42)

663.830 May needs-related payments be paid while a participant is waiting to start training classes? (42)

663.840 How is the level of needs-related payments determined? (42)

PART 664--YOUTH ACTIVITIES UNDER TITLE I OF THE WORKFORCE INVESTMENT ACT

Subpart A--Youth Councils

664.100 What is the youth council? (44)

664.110 Who is responsible for oversight of youth programs in the local area? (44)

Subpart B--Eligibility for Youth Services

664.200 Who is eligible for youth services? (44)

664.205 How is the "deficient in basic literacy skills" criterion in Sec. 664.200(c)(1) defined and documented? (45)

664.210 How is the "requires additional assistance to complete an educational program, or to secure and hold employment" criterion in Sec. 664.200(c)(6) defined and documented? (45)

664.215 Must youth participants be registered to participate in the youth program? (45)

664.220 Is there an exception to permit youth who are not low-income individuals to receive youth services? (45)

664.230 Are the eligibility barriers for eligible youth the same as the eligibility barriers for the five percent of youth participants who do not have to meet income eligibility requirements? (46)

664.240 May a local program use eligibility for free lunches under the National School Lunch Program as a substitute for the income eligibility criteria under title I of WIA? (46)

664.250 May a disabled youth whose family does not meet income eligibility criteria under the Act be eligible for youth services? (46)

Subpart C--Out-of-School Youth

664.300 Who is an "out-of-school youth"? (46)

664.310 When is dropout status determined, particularly for youth attending alternative schools? (46)

664.320 Does the requirement that at least 30 percent of youth funds be used to provide activities to out-of-school youth apply to all youth funds? (46)

Subpart D--Youth Program Design, Elements, and Parameters

664.400 What is a local youth program? (47)

- 664.405** How must local youth programs be designed? (47)
- 664.410** Must local programs include each of the ten program elements listed in WIA section 129(c)(2) as options available to youth participants? (48)
- 664.420** What are leadership development opportunities? (48)
- 664.430** What are positive social behaviors? (48)
- 664.440** What are supportive services for youth? (49)
- 664.450** What are follow-up services for youth? (49)
- 664.460** What are work experiences for youth? (49)
- 664.470** Are paid work experiences allowable activities? (50)

Subpart E--Concurrent Enrollment

- 664.500** May youth participate in both youth and adult/dislocated worker programs concurrently? (50)
- 664.510** Are Individual Training Accounts allowed for youth participants? (50)

Subpart F--Summer Employment Opportunities

- 664.600** Are Local Boards required to offer summer employment opportunities in the local youth program? (50)
- 664.610** How is the summer employment opportunities element administered? (51)
- 664.620** Do the core indicators described in 20 CFR 666.100(a)(3) apply to participation in summer employment activities? (51)

Subpart G--One-Stop Services to Youth

- 664.700** What is the connection between the youth program and the One-Stop service delivery system? (51)
- 664.710** Do Local Boards have the flexibility to offer services to area youth who are not eligible under the youth program through the One-Stop centers? (52)

Subpart H--Youth Opportunity Grants

- 664.800** How are the recipients of Youth Opportunity Grants selected? (52)
- 664.810** How does a Local Board or other entity become eligible to receive a Youth Opportunity Grant? (52)
- 664.820** Who is eligible to receive services under Youth Opportunity Grants? (52)
- 664.830** How are performance measures for Youth Opportunity Grants determined? (52)

PART 665--STATEWIDE WORKFORCE INVESTMENT ACTIVITIES UNDER TITLE I OF THE WORKFORCE INVESTMENT ACT

Subpart A--General Description

- 665.100** What are the Statewide workforce investment activities under title I of WIA? (53)
- 665.110** How are Statewide workforce investment activities funded? (53)

Subpart B--Required and Allowable Statewide Workforce Investment Activities

- 665.200** What are required Statewide workforce investment activities? (53)
- 665.210** What are allowable Statewide workforce investment activities? (54)
- 665.220** Who is an "incumbent worker" for purposes of Statewide workforce investment activities? (55)

Subpart C--Rapid Response Activities

- 665.300** What are rapid response activities and who is responsible for providing them? (55)
665.310 What rapid response activities are required? (55)
665.320 May other activities be undertaken as part of rapid response? (56)
665.330 Are the NAFTA-TAA program requirements for rapid response also required activities? (56)
665.340 What is meant by "provision of additional assistance" in WIA section 134(a)(2)(A)(ii)? (56)

PART 666--PERFORMANCE ACCOUNTABILITY UNDER TITLE I OF THE WORKFORCE INVESTMENT ACT

Subpart A--State Measures of Performance

- 666.100** What performance indicators must be included in a State's plan? (57)
666.110 May a Governor require additional indicators of performance? (58)
666.120 What are the procedures for negotiating annual levels of performance? (58)
666.130 Under what conditions may a State or DOL request revisions to the State negotiated levels of performance? (59)
666.140 Which individuals receiving services are included in the core indicators of performance? (59)
666.150 What responsibility do States have to use quarterly wage record information for performance accountability? (59)

Subpart B--Incentives and Sanctions for State Performance

- 666.200** Under what circumstances is a State eligible for an Incentive Grant? (60)
666.205 What are the time frames under which States submit performance progress reports and apply for incentive grants? (60)
666.210 How may Incentive Grant funds be used? (60)
666.220 What information must be included in a State Board's application for an Incentive Grant? (60)
666.230 How does the Department determine the amounts for Incentive Grant awards? (61)
666.240 Under what circumstances may a sanction be applied to a State that fails to achieve negotiated levels of performance for title I? (61)

Subpart C--Local Measures of Performance

- 666.300** What performance indicators apply to local areas? (62)
666.310 What levels of performance apply to the indicators of performance in local areas? (62)

Subpart D--Incentives and Sanctions for Local Performance

- 666.400** Under what circumstances are local areas eligible for State Incentive Grants? (62)
666.410 How may local incentive awards be used? (62)
666.420 Under what circumstances may a sanction be applied to local areas for poor performance? (63)

PART 667--ADMINISTRATIVE PROVISIONS UNDER TITLE I OF THE WORKFORCE INVESTMENT ACT

Subpart A--Funding

- 667.100** When do Workforce Investment Act grant funds become available? (65)
667.105 What award document authorizes the expenditure of Workforce Investment Act funds under title I of the Act? (65)
667.107 What is the period of availability for expenditure of WIA funds? (66)

- 667.110** What is the Governor/Secretary Agreement? (67)
- 667.120** What planning information must a State submit in order to receive a formula grant? (67)
- 667.130** How are WIA title I formula funds allocated to local workforce investment areas? (67)
- 667.135** What "hold harmless" provisions apply to WIA adult and youth allocations? (69)
- 667.140** Does a Local Board have the authority to transfer funds between programs? (69)
- 667.150** What reallocation procedures does the Secretary use? (69)
- 667.160** What reallocation procedures must the Governors use? (70)
- 667.170** What responsibility review does the Department conduct for awards made under WIA title I, subtitle D? (70)

Subpart B--Administrative Rules, Costs and Limitations

- 667.200** What general fiscal and administrative rules apply to the use of WIA title I funds? (71)
- 667.210** What administrative cost limits apply to Workforce Investment Act title I grants? (73)
- 667.220** What Workforce Investment Act title I functions and activities constitute the costs of administration subject to the administrative cost limit? (73)
- 667.250** What requirements relate to the enforcement of the Military Selective Service Act? (75)
- 667.255** Are there special rules that apply to veterans when income is a factor in eligibility determinations? (75)
- 667.260** May WIA title I funds be spent for construction? (75)
- 667.262** Are employment generating activities, or similar activities, allowable under WIA title I? (75)
- 667.264** What other activities are prohibited under title I of WIA? (76)
- 667.266** What are the limitations related to sectarian activities? (76)
- 667.268** What prohibitions apply to the use of WIA title I funds to encourage business relocation? (76)
- 667.269** What procedures and sanctions apply to violations of Secs. 667.260 through 667.268? (76)
- 667.270** What safeguards are there to ensure that participants in Workforce Investment Act employment and training activities do not displace other employees? (77)
- 667.272** What wage and labor standards apply to participants in activities under title I of WIA? (77)
- 667.274** What health and safety standards apply to the working conditions of participants in activities under title I of WIA? (78)
- 667.275** What are a recipient's obligations to ensure nondiscrimination and equal opportunity, as well as nonparticipation in sectarian activities? (78)

Subpart C--Reporting Requirements

- 667.300** What are the reporting requirements for Workforce Investment Act programs? (78)

Subpart D--Oversight and Monitoring

- 667.400** Who is responsible for oversight and monitoring of WIA title I grants? (79)
- 667.410** What are the oversight roles and responsibilities of recipients and subrecipients? (79)

Subpart E--Resolution of Findings From Monitoring and Oversight Reviews

- 667.500** What procedures apply to the resolution of findings arising from audits, investigations, monitoring and oversight reviews? (80)
- 667.505** How do we resolve investigative and monitoring findings? (81)
- 667.510** What is the Grant Officer resolution process? (81)

Subpart F--Grievance Procedures, Complaints, and State Appeals Processes

- 667.600** What local area, State and direct recipient grievance procedures must be established? (82)

- 667.610** What processes do we use to review State and local grievances and complaints? (83)
- 667.630** How are complaints and reports of criminal fraud and abuse addressed under WIA? (83)
- 667.640** What additional appeal processes or systems must a State have for the WIA program? (83)
- 667.645** What procedures apply to the appeals of non-designation of local areas? (84)
- 667.650** What procedures apply to the appeals of the Governor's imposition of sanctions for substantial violations or performance failures by a local area? (84)

Subpart G--Sanctions, Corrective Actions, and Waiver of Liability

- 667.700** What procedure do we use to impose sanctions and corrective actions on recipients and subrecipients of WIA grant funds? (85)
- 667.705** Who is responsible for funds provided under title I of WIA? (85)
- 667.710** What actions are required to address the failure of a local area to comply with the applicable uniform administrative provisions? (85)
- 667.720** How do we handle a recipient's request for waiver of liability under WIA section 184(d)(2)? (86)
- 667.730** What is the procedure to handle a recipient's request for advance approval of contemplated corrective actions? (86)
- 667.740** What procedure must be used for administering the offset/deduction provisions at section 184(c) of the Act? (87)

Subpart H--Administrative Adjudication and Judicial Review

- 667.800** What actions of the Department may be appealed to the Office of Administrative Law Judges? (87)
- 667.810** What rules of procedure apply to hearings conducted under this subpart? (88)
- 667.820** What authority does the Administrative Law Judge have in ordering relief as an outcome of an administrative hearing? (88)
- 667.825** What special rules apply to reviews of NFJP and WIAINA grant selections? (88)
- 667.830** When will the Administrative Law Judge issue a decision? (89)
- 667.840** Is there an alternative dispute resolution process that may be used in place of an OALJ hearing? (89)
- 667.850** Is there judicial review of a final order of the Secretary issued under section 186 of the Act? (89)
- 667.860** Are there other remedies available outside of the Act? (89)

Subpart I--Transition Planning

- 667.900** What special rules apply during the JTPA/WIA transition? (89)
- 667.910** Are JTPA participants to be grandfathered into WIA? (90)

PART 671--NATIONAL EMERGENCY GRANTS FOR DISLOCATED WORKERS

- 671.100** What is the purpose of national emergency grants under WIA section 173? (90)
- 671.105** What funds are available for national emergency grants? (90)
- 671.110** What are major economic dislocations or other events which may qualify for a national emergency grant? (90)
- 671.120** Who is eligible to apply for national emergency grants? (91)
- 671.125** What are the requirements for submitting applications for national emergency grants? (91)
- 671.130** When should applications for national emergency grants be submitted to the Department? (91)

- 671.140** What are the allowable activities and what dislocated workers may be served under national emergency grants? (91)
- 671.150** How do statutory and workflex waivers apply to national emergency grants? (92)
- 671.160** What rapid response activities are required before a national emergency grant application is submitted? (92)
- 671.170** What are the program and administrative requirements that apply to national emergency grants? (93)

PART 652--ESTABLISHMENT AND FUNCTIONING OF STATE EMPLOYMENT SERVICES

Subpart C--Wagner-Peyser Act Services in a One-Stop Delivery System Environment

- 652.1** (Amended) (93)
- 652.5** Services authorized (94)
- 652.8** Administrative provisions (94)
- 652.200** What is the purpose of this subpart? (95)
- 652.201** What is the role of the State agency in the One-Stop delivery system? (95)
- 652.202** May local Employment Service Offices exist outside of the One-Stop service delivery system? (95)
- 652.203** Who is responsible for funds authorized under the Act in the workforce investment system? (96)
- 652.204** Must funds authorized under section 7(b) of the Act (the Governor's reserve) flow through the One-Stop delivery system? (96)
- 652.205** May funds authorized under the Act be used to supplement funding for labor exchange programs authorized under separate legislation? (96)
- 652.206** May a State use funds authorized under the Act to provide ``core services" and ``intensive services" as defined in WIA? (96)
- 652.207** How does a State meet the requirement for universal access to services provided under the Act? (96)
- 652.208** How are core services and intensive services related to the methods of service delivery described in Sec. 652.207(b)(2)? (97)
- 652.209** What are the requirements under the Act for providing reemployment services and other activities to referred UI claimants? (97)
- 652.210** What are the Act's requirements for administration of the work test and assistance to UI claimants? (97)
- 652.211** What are State planning requirements under the Act? (97)
- 652.212** When should a State submit modifications to the five-year plan? (98)
- 652.213** What information must a State include when the plan is modified? (98)
- 652.214** How often may a State submit modifications to the plan? (98)
- 652.215** Do any provisions in WIA change the requirement that State merit-staff employees must deliver services provided under the Act? (98)
- 652.216** May the One-Stop operator provide guidance to State merit-staff employees in accordance with the Act? (98)